

Federal Communications Commission

DA 03-1097

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.606(b),)	MB Docket No. 02-155
Table of Allotments,)	RM-10452
Television Broadcast Stations; and)	
Section 73.622(b), Table of Allotments,)	
Digital Broadcast Television Stations.)	
(Charleston, West Virginia))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 4, 2003

Released: April 17, 2003

By the Chief, Video Division:

1. At the request of Pappas Telecasting of America ("Pappas"), an applicant for a new television station to operate on analog channel 23 at Charleston, West Virginia, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 12732 (2002), proposing the substitution of DTV channel 52 for channel 23.¹ Pappas filed comments restating its interest in applying for DTV channel 52, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 52 in lieu of channel 23 since it would provide the community of Charleston with an additional DTV service. DTV channel 52 can be allotted to Charleston, West Virginia as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 38-30-32 N. and 82-12-33 W. Since the community of Charleston, West Virginia, is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been received for this allotment. DTV channel 52 is allotted with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
WV Charleston	52	100	273	679

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283

¹ Pappas filed its petition for rule making pursuant to the provisions outlined in the Commission's Public Notice ("Public Notice") released on February 6, 2001. That Public Notice opened a window to allow applicants with certain pending requests for new analog television stations on channels 52-59 to modify their requests. See *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)* Report and Order in GN Docket No. 01-74, 17 FCC Rcd 1022 (2002). Initially, Pappas filed a petition for rulemaking seeking the allotment of NTSC channel 55 in lieu of channel 23. However, when the Commission reallocated channels 52-59 for other uses, Pappas filed an amended petition proposing the substitution of DTV channel 52 as a replacement channel for channel 23.

of the Commission's Rules, IT IS ORDERED, That effective June 2, 2003, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Charleston, West Virginia	8+, 11+, 29, *49-

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 2, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Charleston, West Virginia	19, 39, 41, 52

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Pappas Telecasting of America shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 52 in lieu of TV Channel 23.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau